THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2356 of 2007

Dated:09.02.2007

Between:

Abbasani Yadagiri Yadav.

...Petitioner

and

The District Collector and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2356 of 2007

ORDER:

The petitioner is III Ward member of Ghatkesar Gram Panchayat. He was elected in August 2003. He alleges that the fifth respondent, who is Sarpanch of the Village, illegally granted approval for the layout in respect of the lands in Survey Nos.266, 268, 270, 271 and 272 to the sixth respondent without approval of the fourth respondent, Hyderabad Urban Development Authority (HUDA). The petitioner therefore, allegedly sent representations on 04.05.2004, 28.06.2004 and 15.09.2004 to respondents 2 and 3 for necessary redressal, in vain. The petitioner now alleges that he also sent other representations including one on 21.09.2006, but there is no response from respondents 2 and 4. In this background, he filed the present Writ Petition seeking a direction to respondents 1 and 2 to cancel the layout/layouts made by the sixth respondent holding that the approval granted by the fifth respondent is illegal and contrary to the Andhra Pradesh Urban Areas (Development) Act, 1975, and the Hyderabad Urban Development Authority Layout Rules.

The petitioner was admittedly elected in 2003, and as disclosed in the affidavit, he came to know about the alleged illegal approvals granted by the fifth respondent in March 2004. Nothing prevented the petitioner to approach this Court in March 2004 if there was no proper response

from HUDA. Having waited for three years, the petitioner now filed the present Writ Petition seeking a direction to respondent No.4 to cancel the layout made by the sixth respondent. Such a relief cannot be granted at this point of time, because, in all probabilities, large number of third parties must have purchased the plots in the layouts made by the sixth respondent. The petitioner's remedy is to pursue with HUDA, if so advised.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

09.02.2007
vs